App F. IX-4

Previous references

1931.

File No. 151-31

Serial Nos.

Later references

General and Revenue Secretariat.

Serial Nos. 4

Par B for August 32

SUBJECT

Appeal against Land assessed

Mis appl 12 of 31-32.

[App. F. III—2

General and Revenue Secretariat | Mis File No. 151 of 1931-2

Serial No.

38874

1. Petition of 3/12/31 filed by Messrs A Srinivasan & K.P Vasudeva Aiyangar Pleaders on behalf of Hiss Elavat Srinivasachari - Archaka Srimangalam Swami Temple - Kaidatha - Tanjore Taluk appealing against the order of the Mysore Commissioner in Mysore appeal No 39 of 29-30 on the file of this court regarding the lease of the lands of the archaka.

1) The petition is sufficiently stamped. Decision of the M.C. is of 24.8.31 & the time taken for preparing the copy of the order is only 2 days (copy was applied for on 30/9/31 & was ready on 1/11/31) The time allowed for preparing the appeal is 90 days & the petitioner has exceeded this time limit by a week as soon from the copy of the order furnished.

2) Whether the appeal may be admitted and records called for is for orders.

3) In cases 17 & 18 of the P.W.D. the petitioner has also sought the issue of stay orders in the matter. This is also for orders.

4/12 H. Secy 4.12.31

5) 2nd memo 14/1

6) No stay order can be issued - Appeal may be admitted - records called for & case posted for hearing 15/1

14440 4/12

NOTE—Contn. Sheet.

WD 70—GBPM—60,000—13-8-31

Fwd Appl (D.D. 21 3- dated the
lease of Inam lands granted to Sri
Channigaraya Swamy Temple - Kaivala.

File No. of 193 . . General and Revenue Secretariat

7) D/n regd on para 6 ante

GS 18/12 cpf

Issue
18.12.31

RECEIVING SECTION
21 DEC 1931
GNL & REV SECTT

No 875 & 23-12-31 to Secy. to G.N.
and to the C.P.W. Secy.
Madras, requesting him to inform that
the reports for the year 1931 can not be supplied
by the 31st inst. but will be sent
in shortly.

The No 1276 of 23-12-31 from the
Muzrai Commissioner for records
connected with the appeal petition.

Recd on 24/12/31

Letter no 729/31-32 D 16/3/32
from the Muzrai Commissioner
forwarding records connected
with the appeal petition of
Archak Srinivasa Char of
Sri Channigaraya Swamy
Temple Kaivala Gudur
Nellore District.

7) The facts of the case are
fully set forth in M.C's decision
in Muzrai Appl 35/29-30 - 7.
The Deputy Commrs order is flagged B.
The S.D.O's recommendation
of 16.9.29 for leasing out the
Inam lands for Panchayat grain
is flagged A.

The appl 120 of 31-32 endorsed re lease of Manu lands and Mrs [illegible] Kadiala — Sundara Ayr.

Serial No.

It is submitted that the orders passed by the Subordinate Officers are in the interests of the temple.

10 The date on which the Case may be posted is for orders —

G.S.M.K. 7/24

The preamble to the Dis order on which this appeal has been preferred sets forth correctly & in full detail all the facts of the case. It is clear therefrom that the temple Manager was in possession & enjoyment of the appellant's ancestral lands till 1930 when the lease of the lands for 5 years was confirmed by the D.C. in favour of some one else.

The points raised by the appellant are :-

(1) That he had no notice of Sale

(2) That from 1921 onwards till this Sale his grandfather to whom the land was given as Manu were no bidders & paid a lot of money & improved the lands And it was least expected that the lands would be taken away from his hands

(3) That he has not been given an opportunity to explain his case in the Lower Courts.

12) The Dis decision is silent about the 1st & 2nd objection but states that "the records do not bear out the contention that the lands were leased

NOTE—Contn. Sheet.

This also relates to 31-32 about the lease of Inam lands owned by Sri Channakeshava Swamy temple - Kyadla Tumkur Dist

File No. of 193 . | General and Revenue Secretariat

not permanently to the archaka grandfather.

The fact that the lands did not fetch any bids in 1921, while good bids were offered in 1929 cannot be enquired. Why no notice was given to the archak to show cause to be cleared up.

Orders are solicited about the date of hearing. 16/4/32

16/4/32

For Secy)

1st member 18/4/32

May be included in the batch of cases to be heard subsequent to 25th inst.

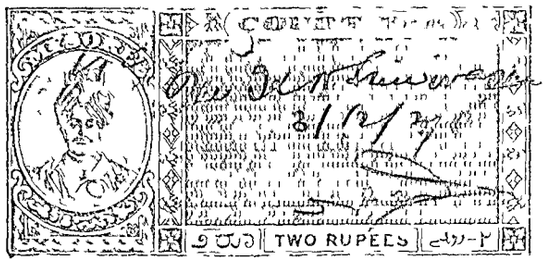
20/4/32

1) The case has been posted to 25th July 1932. The need for issuing notice to Bellappa & others who are styled Respondents in the appl. petn is not seen — For orders — Notice was asked and petn & a letter from advocate enclosed C.S. for appl or other orders - Papers to be filed along with Tumkur Dt. Civil Suits is also pending.

Notice may be issued to Mr. also 7/7/32

18) Secy 7/7/32.

Mer. 151 - 31 - 1



BEFORE THE GOVERNMENT OF HIS HIGHNESS THE -

MAHARAJA OF M Y S O R E.

Muz. Appeal No. 12 of 1931 - 32.

APPELLANT:- --(V.S)--	RESPONDENTS:-
Srinivasa Char, Son of Narasimha-char, Archak, - - Channigaraya Swami Temple, Kaidala, Goolur Samat, Tumkur Taluk.	1. Bettayya, Son - of Bairappa, - Ryot, residence as above. 2. K.G.Range Gowda, Son of Kangudayya, residence as above. 3. Mariyappa, Son of Guddadayya, residence as above. 4. Puttachari, son of Chikkanna, residence as above. 5. Thimme Gowda, Son- of Mayanna, resid-ing in Hellenahalli, Goolur Samat, Tumkur Taluk. 6. Patel Gunde Gowda, - residence as above.

The appellant above-named respectfully begs to prefer this appeal against the order of - the Muzrai Commissioner in Mysore - in Muzrai - - Appeal No.39 of 1929 - 30, and in doing so beg to submit the following facts to the kind considera-tion of the Government regarding the lease of -

Inamti

Inamti lands belonging to Sri Channalaraya-swami Temple of Kydala in Tumkur Taluk.

1. The aforesaid lands were given to Village ryots for an annual gutta of - 40 candies. As the ryots complained that the yield was not so much, the Gutta was - reduced to 20 candies.

2. As the lands did not yield, the ryots relinquished them to Government in - 1921 as being non-productive.

3. That on 9th July 1921 there - was an auction for leasing these lands. - As there were no offers by tenants, the - authorities requested the grand father of the present appellant to take up these lands himself and fixed a scale of Rs.360/- and after defraying the expenses to deposit Rs.105/- every year to Government as reserve.

4. That subsequently, the Appeallant's grand father spent a considerable amount of money on improving the said lands and had been regularly paying the deposit amount to Government till his death about five years ago and since then this Appellant, who is his heir, has been doing the archakship and depositing the amount to Government.

5. When

5. When such was the case the Deputy - Commissioner of Thumŭr without giving any notice to this appellant and without any just or sufficient reason caused the lease of the lands auctional for 5 years without a proper proclamation.

6. That when the Appellant came to know of this, he filed an application before the - Deputy Commissioner on 27th January 1930 urging the above facts and praying that the sale be - cancelled. The Appellant believed that notices would be issued to the opposit party and the appeal would be disposed off after hearing his advocate.

7. The Respondents were talking in their village that they had taken the Inamti lands from Government and that the Appellant had no right to enter them.

8. Thereupon the Appellant went to the - Deputy Commissioner's Office and after obtaining a copy, found that the Deputy Commissioner had - passed final orders on the application.

9. The Appellant thereupon submitted an appeal to the Muzrai Commissioner in Mysore, in - Appeal No.39/29-30, and prayed for the cancellation of the Order of the Deputy Commissioner. But the Learned Muzrai Commissioner, without assigning any valid reasons has rejected the appeal and confirmed

the

the order of the Deputy Commissioner. Hence this appeal.

10. The appellant begs to submit that no Notice has been served on him when the - lease was auctioned.

11. There has been no proper proclamation.

12. The Deputy Commissioner has not heard the Appellant before he disposed off the appeal.

13. Neither the Deputy Commissioner, nor the Muzrai Commissioner has perused the - sale records of 9th July 1921 and has taken into consideration the various improvements to the lands done by the appellant since they were in possession.

14. That after paying up the reserve amount and defraying the jodi and payments - etc., to all temple servants the balance left to the archak (the appellant) will be very - small.

15. The Learned Muzrai Commissioner has not taken into consideration the long - possession of the Appellant.

16. The orders passed by the Learned Muzrai

Muzrai Commissioner is opposed to the previous decision of Government in similar case (vide Muz- App. No.10/27-28).

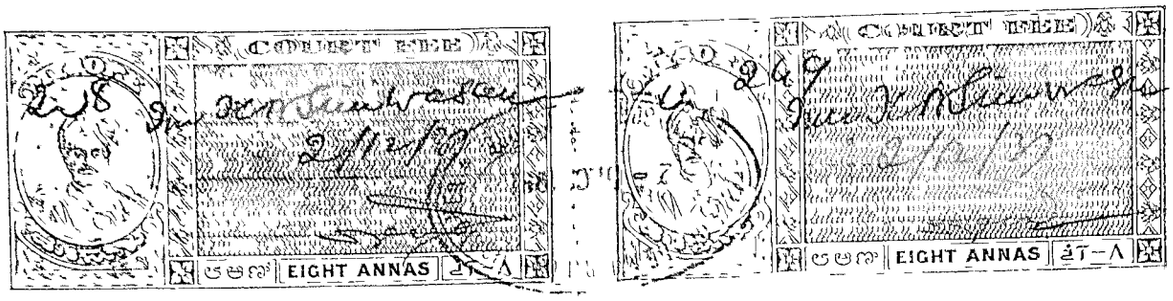
The Appellant therefore prays that the order of the Muzrai Commissioner confirming the order of the Deputy Commissioner auctioning the lease be set aside and the old arrangement with the Appellant be continued.

That pending the disposal of this appeal, the Appellant prays that stay orders be kindly issued, directing that the Execution of the Lower Courts be held in abeyance.

BANGALORE,
3rd December 1931.

K.S. Srinivasan
R.P. Vasudev

ADVOCATES FOR THE APPELLANT.



In the court of the Mysore Commissioner
in Mysore

Mysore Appeal No 37/29 30

Appellant - Srinivasachar
Archak,
Sri Chennigarayaswamy temple
at Kaidala Tumkur District

Appeal against the order of the
Deputy Commissioner Tumkur District, directing
that the lease of the inam lands belonging to
Sri Chennigarayaswamy temple at Kaidala
cannot be given permanently to the appellant.

Sri Chennigarayaswamy temple in
Kaidala is a minor Mysore Institution endowed
with the marginally noted lands measuring
53-21 in all. The
lands were in possession
and enjoyment of
the Archak's ancestors
from a long time.
The Mysore Sheristedar
after inspecting the
temple and its
lands submitted
proposals in October
1918 for a scale
and appointment
of Dharmadarsis
Necessary steps
were ordered
to be taken in the matter. Notification for sale

		Extent	Assessment
Heltenahalli			
S No	117	3-26	2-12-0
	130	1-22	6-0-0
		5-8	8-12-0
Kaidala			
	8	18-1	15-0-0
	12	5 22	4-0-0
	19	2-16	1-12-0
	27	4-4	2-12-0
		30-3	23-8-0
Gulur	40	wet 4-19	30-8-0
		dry 0 21	0-8-0
	115	0-22	3-8-0
	92	5-9	27-0-0
	80	5-19	30-0-0
	75	2-9	12-0-0
		18-10	103-8-0

for sale of the lease of Inam lands was issued as there were no bidders in the sale, a resale had to be conducted by the Amildar on 10-9-21. There being no bidders even in this sale a mutchalika was obtained from the Archak (Appellant's grand father) whereby the inam lands were allowed to be enjoyed by him for 5 years from 21-22 on condition of his paying a 'megate" of Rs 10 S/- a year and a report submitted to Sub Division officer who approved of the same. The lease expired by the end of 1925-26 but its resale was not held, perhaps due to oversight on the part of the Taluk authorities. When the omission was noticed, the lease amount at Rs 10 S/- was recovered from the Archak for 1926-27 and 1927-28 and a report was submitted by the Amildar. On this report the Sub Division officer, solicited instructions and the Deputy commissioner ordered on 18-10-29, that the lease of the lands may be sold for 5 years from 1929-30. The sale having been accordingly held, a sum of Rs 965-2-6 was realised thereon and on the recommendation of the Sub-Division officer the sale was confirmed by the Deputy Commissioner on 15-3-1930. On learning this, the appellant presented a petition before the Deputy commissioner stating that (1) it was their family right to have the lands in their possession and enjoyment attending to the worship in the temple (2) that when the lease was sold in 1921 none bid at the sale as the lands were unfit for cultivation; (3) that the lands were given to his grand father for hereditary cultivation, subject to payment of a reserve of Rs 10 S/- P.A. & that despite loses the lands were retained

returned in the hope of recouping them in course of time and that under these circumstances, he is entitled for cancellation of the order of 15-7-1930 and for allowing him to have the lands permanently, subject to payment of a reserve of Rs 10-1/- PA The Deputy Commissioner rejected the petition and hence the present appeal.

In this appeal petition the appellant urges that no notice was given to him nor was there any proclamation and that the Deputy Commissioner did not consider the long possession of the lands by the appellant and his family and the various improvement effected to the land by his grand father.

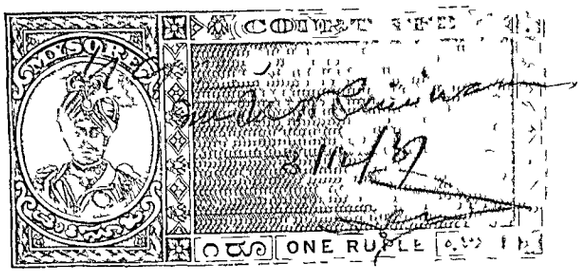
The case was posted to 10-3-1931 and the appellant's counsel heard

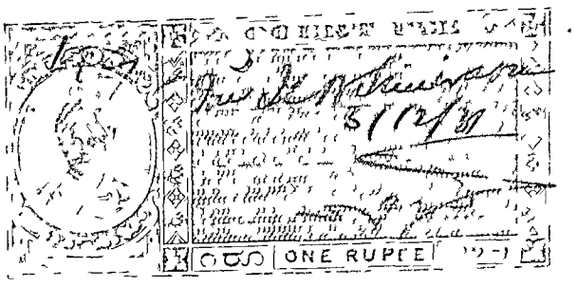
Order No A/M 39/29-30 d/ 24-8-31

The records do not bear out the contention that the lands were leased out permanently to the Archaks grand father. There is no reason to sacrifice the increased revenue to the temple obtained at the auction. I confirm the Deputy commissioner's order.

(Sd) S P Rajagopalachari
Mayavaram Commissioner

Copy applied for by Mr K S Srinivasan on 30-9-31
Copy ready on 2-10-31
Copy delivered on 2-12-31
No of words 612
Copying fees 0-14-0
Comparing fees 0-2-4
Paper —— 0-0-2
—— 1-0-6





Before the Government of His Highness the Maharaja of Mysore

~~In the Court of the~~

Bangalore

~~of~~ Tumkur

Mug. Appeal No. 9431-32.

19 —19 ನೇ ಇಸವಿ O. S. C. Ex. Mis.

ವಾದಿ ಅಥವಾ ಅರ್ಜಿದಾರ.		ಪ್ರತಿವಾದಿ ಅಥವಾ ಅಪ್ಪೋನೆಂಟ್.
Appellant	Vs.	Respondent
Srinivasachar		Bellarra & others

M. N. Srinivasan - Advocate, Bangalore

ತುಮಕೂರಲ್ಲಿರುವ ಮಾ|| ಎಂ. ಎಲ್. ನಾರಾಯಣರಾವ್, ಬಿ. ಎ, ಎಲ್ಎಲ್. ಬಿ. ಅಡ್ವೋಕೇಟ್ ~~ವಕೀಲರನ್ನು~~

Appellant ~~ರವರನ್ನು~~ ಬರಿಸಿಕೊಟ್ಟ ವಕಾಲತ್‌ನಾಮಾ.

ಮೇಲ್ಕಂಡ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ಪರವಾಗಿ ಕೋರ್ಟಿಗೆ ಹಾಜರಾಗಿ ವಿವಾದಿಸಿ ಫೈನಲ್ ಹೊಂದತಕ್ಕ ಬಗ್ಯೂ, ಈ ಮೊಕದ್ದಮೆಗೆ ಸಂಬಂಧಪಟ್ಟ ವಿಶಿಷ್ಟ ನಡವಳಿಕೆಗಳ ವಿಷಯದಲ್ಲೂ ಅರ್ಜಿ ವಗೈರೆ ಕೊಡುವುದಕ್ಕೂ ಡಿಕ್ರಿಯನ್ನು ಜಾರಿಕ್ರಮ ನಡಿಸಿ ಹಣ ವಸೂಲ್ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೂ ಕೋರ್ಟ್‌ನಿಂದ ನನಿಗೆ ಸಲ್ಲತಕ್ಕ ಡಿಕ್ರಿ ಮೊಬಲಗು ನಾಕ್ಷಿ. ಘತ್ಯ ವಗೈರೆ ಶಿಲ್ಕು ಮೊಬಲಗು ಸಹ ಪಡೆದುಕೊಂಡು ರಶೀತಿಕೊಡುವುದಕ್ಕೂ ಕೋರ್ಟ್‌ನಿಂದ ನನಿಗಾಗಿ ವಾವಸು ಆಗುವ ದಾವಾ ಸ್ಟ್ಯಾಂಪು, ಪ್ರೊಸೀಸಿಸ್ ಸ್ಟ್ಯಾಂಪುಗಳು, ಸಹ ಪಡಿದುಕೊಳ್ಳುವುದಕ್ಕೂ ಮತ್ತು ನನ್ನ ಬಾಬತು ವಿಶಿಷ್ಟ ದಸ್ತ್ಯೆವಜು ವಗೈರೆಗಳನ್ನು ಕೋರ್ಟ್‌ನಿಂದ ವಾಪಸು ತೆಗೆದುಕೊಳ್ಳುವುದಕ್ಕೂ ಸಹ ಈ ಮೂಲಕ ತಮಗೆ ಅಧಿಕಾರ ಕೊಟ್ಟಿರುತ್ತೇನೆ. ಈ ಆಧಾರದ ಮೇಲೆ ತಾವಾಗಲೀ ಅಥವಾ ತಮಿಗೋಸ್ಕರ ಮತ್ಯಾವ ಲಾಯರಾಗಲೀ ಡಿಟೋ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನಡಿಸುವ ಕೆಲಸಗಳನ್ನೆಲ್ಲಾ ನಾನು ಖುದ್ದು ಇದ್ದು ನಡಿಸಿ ಇರುವಂತೆ ಒಪ್ಪಲು ಇದರಿಂದ ಬದ್ದನಾಗಿ ಇದ್ದೇನೆ.

ತಾರೀಖು

ರುಜು. [illegible]

ಈ ಮೊಕ್ತ್ಯಾರ್‌ನಾಮ ಕೊಟ್ಟವರು ನನಿಗೆ ಪರಿಚಯಸ್ತರು, ನನ್ನ ಸಮಕ್ಷಮ ಇದಕ್ಕೆ ರುಜು ಮಾಡಿದ್ದರಿಂದ ನಾನು ಸರ್ಟಿಫೈ ಮಾಡಿ ಇಧೇನೆ.

MN

ಈ ಮೊಕ್ತ್ಯಾನಾಮಾ ಅಂಗೀಕರಿಸಿ ಇರುತ್ತೇನೆ.

M N Srinivasan

R P Vasudev

ಅಡ್ವೋಕೇಟ್

ಶ್ರೀ ಪಾಂಡುರಂಗ ಪ್ರೆಸ್. ತುಮಕೂರು.

1C

875
Mcg 151-31-2

22nd Dec. 1931.
2305

The

Messrs. K.N. Srinivasan and R.P. Vasudeo,
Advocates, Bangalore City.

Subject.- Appeal against the orders of the Muzrai Commissioner in Muzrai ~~Appeal~~ Appeal No. 39 Of 1929-30 on the file of his Court in the matter of the lease of Inam lands belonging to Sri Chennigarayaswamy temple at Kydala, Tumkur Taluk.

With reference to petition dated 3rd December 1931 filed by you on behalf of Srinivasachar Archak of the temple referred to above, I am directed to inform you that the application is receiving attention but that your client's request for a stay order cannot be complied with.

Yours faithfully,

Sd/- B. Srinivasa Iyengar,
Secretary to Government,
Financial Department.

876 Inam file
Memo No. Mcg dated, Bangalore, the 22nd December 1931.
2305

Copy of the above is forwarded with compliments to the Muzrai Commissioner for information. He is also requested to forward the entire records connected with the appeal petition (to be obligingly returned with records).

By order,

V Subrahmanyas
for Secretary to Government,
Financial Department.

RS

C.R.C.3.

Appendix F G—1]

SUBJECT .....

.....

.....

Section Misc 3

File No. 187-31

Serial No. 2

Diary No. of letter replied to .....

No 875.

To

Messrs K.N Srinivasan
& R. P. Varadeo -
Advocates - Bangalore City

General and Revenue Secretariat

( )

the *193* .

Date of issue 23/12/31

Signed by Mr V. S. Sastri.

Subject:- Appeal against the orders of the Dist. in Misc. appl no 398 of 29-30 on the file of this Court in the matter of the case of the Dharmilands belonging to Sri Channiga-raya Swamy Temple at Kadala - Tumkur Tk.

List of enclosures .....

Copied by .....

Sir,

Examined by .....

With reference to letter dt 3.12-31

WD 71—GPBM—40,000—20-7-31.

filed by you on behalf of Srini Vasachar
Archak of the temple noted above.
I am directed to inform you that the appeal cannot be entertained as it is presented now. I am directed to inform you that your client's request for a stay order cannot be complied with.

Yours faithfully,

18.12.31

for Secretary

Madras.

Memo No:- 876 § 23/12/31. Spare on file.

Copy of the above is forwarded with Compliments to M.C. for information. He is also requested to forward the entire record connected with the appeal for X. X: To be obtained through - returned with record

B.O.

18.12.31

for Secretary

Madras

Cs

18/12

M. C. 13]

No. 729-38-32

Encl 4 fr 6

Ref 151-31-3

OFFICE OF THE MUZRAI COMMISSIONER
IN MYSORE.

GEN. & REV. 1059 19 MAR 1932

Dated, Bangalore,.....15th March.....*1932.*

66

FROM S.P. RAJAGOPALACHARI, ESQ., B.A., B.L.,
Muzrai Commissioner in Mysore.

19/3/32

To

Rajasevaparayana
P. Srinivasa Iyengar, Esq., B.A., B.L.,
Secretary to the Government of His Highness
the Maharaja of Mysore.
Financial *Department.*

SIR,

A. With reference to your Memo No. 376/Muz. dated 23rd December '31 calling for records connected with the Appeal Petition of Archak Srinivasachar, I have the honor to forward herewith the entire record received with the Deputy Commissioner's letter No. 276 dated 10-3-32 together with this office file in Appeal No. 39/29-30.

The appeal petition with enclosures is herewith returned

I have the honor to be,

Sir,

Your most obedient servant,

For Muzrai Commissioner.

AM/

Before the Government of His Highness the Maharaja of Mysore.

Muzrai Appeal No. 12 of 1931-32.

Appellant	Vs. all at Kydala	Respondents.
Srinivasachar, Archak of Sri Channigarayaswami temple, Kydala, Tumkur Taluk.		1. Bettayya, son of Bairappa. 2. K.G. Rangegowda, son of Kangvdayya 3. Mariappa, son of Guddadayya. 4. Puttachari son of Chikkanna. 5. Thimmegowda, son of Mayanna, Hellenahalli, Gulur Hobli, Tumkur Taluk. 6. Patel Gunde Gowda.

S u b j e c t

Appeal against the decision of the Muzrai Commissioner in Muzrai Appeal No. 39 of 1929-30 on the file of his Court confirming the order of the Deputy Commissioner, Tumkur District, directing that the lease of the Inam lands belonging to Sri Channigarayaswami temple at Kydala, Tumkur Taluk, cannot be given permanently to the appellant.

This case was heard on the 25th July 1932. The appellant was present with his Advocate Mr. K.N. Srinivasan; the respondents were not present when the case was taken up.

O r d e r .

There are no reasons to interfere with the orders passed by the Muzrai Commissioner.

****

Memo No. 223/Muz:151-31-4 dated, Bangalore, the 29th July 1932.

Copy of the above is forwarded with compliments to the Muzrai Commissioner in Mysore, returning the records received with his letter No. 729 of 1931-32 dated 16th March 1932.

By order,

For Secretary to Government,
Financial Department.

C.H.C.5

(6)

Before the Government of His Highness the Maharaja of Mysore.

Mys 3 Appeal No. 12 of 1931-32

Appellant. *Vs.* Respondents

Srinivasachar
archak of Sri Channigaraya-
swami Temple Kadala.
Tumkur Tk.

Assessing and Revenue Officers

(1) Bettayya son of Byrappa
2. K.G. Rangegowda son of
Kangadappa-
3. Hanigappa. son of
Gundadappa.
4. Prakasaiah son of Chikkanna
5. Thimme gowda of
Hebbanahalli. Gulur
Hobli. Tumkur Tk
6. Patel Gunde gowda.

Subject.

Appeal against the decision of the M.C. in Misc. Confirming the order of the Deputy Commissioner directing that the lease of the Inam lands of Sri Channigaraya Swami temple at Kadala. Tumkur Tk, cannot be given permanently to the appellant.

This case was heard on the 25th July 1932.

The appellant was present with his Advocate Mr. K.N. Srinivasan; the respondents were not present when the case was taken up.

ORDER

There are no reasons to interfere with the orders passed by the M.C.

No. 229/Misc: 1ST-31-5 & 1.8.32.
Copy to Mr. K.N. Srinivasan - Advocate Bangalore
No. 230/Misc: 1ST-31-6 & 1.8.32
Copy to Messrs Bettayya & other respondents

GPB-1,000-8.8.11

Memo. No 228/

Copy of the foregoing is forwarded with compliments & thanks M.C.

to the ~~Burning~~ Records Received vide his letter No 729/31-32

dy 16/3/32.

S. O

28/3

for Secretary

Hoshiarpur

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Es 27/3